

FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**Antonio VALLEJO**

Defendant.

Magistrate Case No. **'08 MJ0785**


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
 1324(a)(2)(B)(iii)-  
 Bringing in Illegal Aliens  
 Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 10, 2008**, within the Southern District of California, defendant **Antonio VALLEJO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Alvaro MIRELES-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 SIGNATURE OF COMPLAINANT  
 Sara Esparagoza, United States Customs  
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 12<sup>th</sup> day of **March, 2008**.

  
 UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

The complainant states that **Alvaro MIRELES-Garcia** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 10, 2008, at about 8:40 PM., **Antonio VALLEJO (Defendant)** arrived at the Otay Mesa Port of Entry via the vehicle primary lanes and was awaiting to make application for admission to the United States when a Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) conducting pre-primary roving operations noticed his CBP canine dog had taken interest to the rear area of the vehicle. Defendant was as the driver of a 2001 Dodge Intrepid and was accompanied by two other individuals, his wife and their minor child. The CBP Canine Enforcement Officer requested assistance and other CBP officers immediately responded.

Defendant was questioned regarding ownership of the vehicle to which Defendant and his wife claimed they acquired title ownership of the vehicle a few months ago. Defendant and his wife presented valid California driver licenses as proof of their identity and United States citizenship. Defendant gave a negative customs declaration. During an inspection of the trunk of the vehicle, a CBP Officer discovered a panel held in a lateral position by "L" shape brackets and noticed that the space was smaller than the standard trunk of that particular vehicle model. Upon further inspection, the CBP Officer reached over the panel and felt what seemed to be a human being. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, further examination of the vehicle led to the discovery of one male human being concealed in a special built compartment. Officers utilized screw drivers to unfasten four screws that held the "L" shape brackets and panel in place. The concealed male was determined to be citizen of Mexico without legal documentation to enter the United States. He was retained as a material witness is now identified as **Alvaro MIRELES-Garcia (Material Witness)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he purposely traveled to Tijuana, Mexico to carry out the smuggling act he willingly accepted to do as a favor for a distant relative. Defendant admitted he discuss smuggling arrangements with his distant cousin. Defendant admitted he was aware the person did possess documentation to lawfully enter the United States. Defendant admitted he personally assisted the undocumented alien into the non-factory special built compartment through the rear seats.

On a separate videotaped interview, Material Witness declared he is a citizen of Mexico without legal documents to enter the United States. Material witness admitted he made arrangements to be smuggle into the United States and agrees to pay an undisclosed amount upon his successful entry into the United States. Material witnesses admitted he intended to travel to Santa Ana, California for the purpose of living and seeking employment.